

411930_1.DOC

reference in detail. To avoid undue repetition, Applicant incorporates by reference herein those comments in the Response.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

Applicant is not resubmitting U.S. Patent Applications No. 09/254,026, 09/421,069, and 09/647,092 (Atty. Docket No. 07579-0007-00000, No. 07579-0005-02000, and No. 07579-0013-00000). Since the filing of the Information Disclosure Statement of September 11, 2003, these applications have issued as U.S. Patents No. 6,649,648, No. 6,642,212, and No. 6,599,536 respectively and these U.S. Patents have been submitted in the Information Disclosure Statement of March 18, 2004.

Also Applicant is not resubmitting U.S. Patent Applications No. 09/889,701 (Atty. Docket No. 07579-0014-00000), No. 09/914,035 (Atty. Docket No. 07579-0015-00000), and No. 10/070,361 (Atty. Docket No. 07579-0016-00000), because these applications have now been abandoned.

Applicant is also additionally submitting sets of current pending claims for U.S. Patent Application No. 09/986,509 (Atty. Docket No. 07579-0006-01000).

The U.S. Patent Applications listed below have now been published. Applicant is submitting corresponding U.S. Patent Publications in place of the patent applications' specifications as filed.

U.S. Patent Application Serial No.	U.S. Patent Application Publication No.	Attorney Docket No.
10/176,762	2002-0198248	07579-0007-01000
10/177,387	2003-0018060	07579-0007-02000

10/181,549	2003-0157225	07579-0017-00000
10/212,847	2003-0059384	07579-0012-01000
10/250,858	2004-0116498	07579-0018-00000
10/274,371	2003-0078214	07579-0005-03000
10/459,537	2003-0219499	07579-0013-01000
10/600,004	2004-0072765	07579-0015-01000
10/611,087	2004-0048812	07579-0005-04000

Copies of the U.S. Patent Application Publications are not provided.

Applicant is submitting the following recently filed U.S. patent application that is directly related to the present application as based on the same specification:

Application Number	Attorney Docket Number	Title	Examiner
10/799,022	07579-0005-06000	Methods Of Cholesterol Reduction Using Isoflavones	Not Yet Assigned

Finally, Applicant is submitting the following recently filed U.S. patent applications that are possibly related to the present application by subject matter.

Application Number	Attorney Docket Number	Title	Examiner
10/493,390	07579-0021-00000	6-Hydroxy Isoflavones, Derivatives And Medicaments Involving Same	Not Yet Assigned
10/510,837	07579-0022-00000	Therapeutic Method and Compositions Involving Isoflav-3-ene and Isoflavan Structures	Not Yet Assigned
10/851,270	07579-0014-01000	Production Of Isoflavone Derivatives	Not Yet Assigned

Application Number	Attorney Docket Number	Title	Examiner
10/947,356	07579-0012-02000	Composition and Method for Protecting Skin from UV induced Immunosuppression and Skin Damage	Not Yet Assigned

Since U.S. Patent Application No. 10/799,022 (Atty. Docket No. (07579-0005-06000)) is a continuation application of 10/611,087 (Atty. Docket No. 07579-0005-04000), Applicant submits U.S. patent publication No. 2004-0048812 corresponding to the parent case in lieu of patent application as filed.

Since U.S. Patent Application No. 10/947,356 (Atty. Docket No. 07579-0012-02000) is a continuation application of 10/212,847 (Atty. Docket No. 07579-0012-01000), Applicant submits U.S. patent publication No. 99-036050 corresponding to the parent case in lieu of patent application as filed. Applicant also submits a set of pending claims for this application. A copy of this publication was previously submitted with an Information Disclosure Statement of January 6, 2004.

For U.S. Patent Application No. 10/851,270 (Attorney Docket No. 07579-0014-01000) Applicant submits corresponding PCT publication No. WO 00/49009. For U.S. Patent Application No. 10/493,390 (Attorney Docket No. 07579-0021-00000) Applicant submits corresponding PCT publication No. WO 03/035635. For U.S. Patent Application No. 10/510,837 (Atty. Docket No. 07579-0022-00000) Applicant submits corresponding PCT publication No. WO 03/086386.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art"

under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 21, 2005

By: 

Deborah J. Acker
Reg. No. 48,916

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Reissue Application No.	09/602,191
Filing Date	June 22, 2000
First Named Inventor	KELLY
Art Unit	1623
Examiner Name	Patrick T. Lewis
Attorney Docket Number	07579-0001-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2002-0198248	Dec. 26, 2002	KELLY et al.	
		US-2003-0018060	Jan. 23, 2003	KELLY et al.	
		US-2003-0059384	Mar. 27, 2003	KELLY et al.	
		US-2003-0078214	Apr. 24, 2003	KELLY	
		US-2003-0157225	Aug. 21, 2003	HUSBAND et al.	
		US-2003-0219499	Nov. 27, 2003	KELLY et al.	
		US-2004-0048812	Mar. 11, 2004	KELLY	
		US-2004-0072765	Apr. 15, 2004	KELLY et al.	
		US-2004-0116498	Jun. 17, 2004	HUSBAND	
		US-6,004,558	Dec. 21, 1999	THURN et al.	
		US-6,146,668	Nov. 14, 2000	KELLY et al.	
		US-6,455,032	Sep. 24, 2002	KELLY et al.	
		US-6,599,536	July 29, 2003	KELLY et al.	
		US-6,642,212	Nov. 4, 2003	KELLY	
		US-6,649,648	Nov. 18, 2003	KELLY et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁵
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 00/49009	Aug. 24, 2000	Novogen Research PTY.		
		WO 03/035635	May 1, 2003	Novogen Research PTY.		
		WO 03/086386	Oct. 23, 2003	Novogen Research PTY.		
		WO 97/46208 A2	Dec. 11, 1997	Mt. Sinai School of Medicine of the City of New York		
		JP 1-258669	Oct. 16, 1989	Kikkoman Corp.		Yes
		JP 61-246124 A	Nov. 1, 1986	Yamanouchi Pharmaceutical Co. Ltd		Yes

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

JAN 21 2005

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

2

of

2

Complete if Known

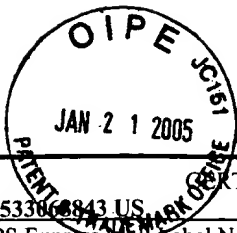
Reissue Application No.	09/602,191
Filing Date	June 22, 2000
First Named Inventor	KELLY
Art Unit	1623
Examiner Name	Patrick T. Lewis
Attorney Docket Number	07579-0001-00000

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		US Patent Application No. 09/986,509 of KELLY filed 11/09/2001 (WO 98/50026, pending claims) Attorney Ref. No. 07579-0006-01000	
		US Patent Application No. 10/611,151 of KELLY filed 07/02/2003 (WO 93/23069) Attorney Ref. No. 07579-0005-05000	
		US Patent Application No. 09/546,565 of KELLY et al. filed 04/11/2000 (pending claims) Attorney Ref. No. 07579-0003-01000	
		US Patent Application No. 10/469,957 of HUSBAND et al. filed 09/08/2003 (WO 02/070502) Attorney Ref. No. 07579-0019-00000	
		US Patent Application No. 10/471,668 of HUSBAND et al. filed 09/15/2003 (WO 02/074307) Attorney Ref. No. 07579-0020-00000	
		US Patent Application No. 10/636,902 of KELLY et al. filed 08/06/2003 (pending claims) Attorney Ref. No. 07579-0007-03000	
		US Patent Application No. 10/704,385 of HEATON et al. filed 11/07/2003 (WO 01/17986) Attorney Ref. No. 07579-0016-01000	
		US Patent Application No. 10/947,356 of KELLY et al. filed 09/21/2004 (pending claims) Attorney Ref. No. 07579-0012-02000	
		BEZUIDENHOUDT et al., "Synthesis of Isoflavanoid Oligomers Using a Pterocarpan as Inceptive Electrophile," <i>J. Chem. Soc. Perkin Transactions I</i> , pp. 2767-2778 (1984).	
		BINGHAM et al., "Phyto-oestrogens: where are we now?," <i>British Journal of Nutrition</i> , Vol. 79, pp. 393-406 (1998).	
		PETERSON et al. "Genistein Inhibition of the Growth of Human Breast Cancer Cells: Independence from Estrogen Receptors and the Multi-Drug Resistance Gene," <i>Biochemical and Biophysical Research Communications</i> , Vol. 179, No. 1, pp. 661-667 (August 30, 1991)	
		WEI et al. "Antioxidant and Antipromotional Effects of the Soybean Isoflavone Genistein," <i>Proceedings of the Society for Experimental Biology and Medicine</i> , Vol. 208, No. 1, pp. 124-130 (October 1993).	

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



EV 533068843 US

USPS Express Mail Label Number

CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

January 21, 2005

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Veronica Weinstein

PATENT

Customer No. 22,852

Attorney Docket No. 7579.0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Graham Edmund KELLY

Reissue Serial No.: 09/602,191

U.S. Patent No. 5,830,887

Filed: June 22, 2000

For: HEALTH SUPPLEMENTS
CONTAINING PHYTO-OESTROGENS,
ANALOGUES OR METABOLITES
THEREOF

)
)
) Group Art Unit: 1623
)
) Examiner: Patrick T. Lewis
)
) Confirmation No.: 8264
)
)
)
)
)
)

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

These documents are Office Actions and other official correspondence issued by the U.S. Patent and Trademark Office in the U.S. patents and patent applications, which claim priority to U.S. Patent Application 08/338,567, which issued as U.S. Patent No. 5,830,887, and Applicant's responses to these Office Actions.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

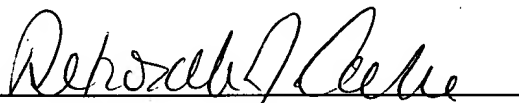
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 21, 2005

By: 
Deborah J. Ackler
Reg. No. 48,916

<p>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</p> <p style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p style="text-align: center;">(Use as many sheets as necessary)</p>		<p style="text-align: center;">Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Reissue Application No.</td> <td>09/602,191</td> </tr> <tr> <td>Filing Date</td> <td>June 22, 2000</td> </tr> <tr> <td>First Named Inventor</td> <td>KELLY</td> </tr> <tr> <td>Art Unit</td> <td>1623</td> </tr> <tr> <td>Examiner Name</td> <td>Patrick T. Lewis</td> </tr> <tr> <td>Attorney Docket Number</td> <td>07579-0001-00000</td> </tr> </table>		Reissue Application No.	09/602,191	Filing Date	June 22, 2000	First Named Inventor	KELLY	Art Unit	1623	Examiner Name	Patrick T. Lewis	Attorney Docket Number	07579-0001-00000
Reissue Application No.	09/602,191														
Filing Date	June 22, 2000														
First Named Inventor	KELLY														
Art Unit	1623														
Examiner Name	Patrick T. Lewis														
Attorney Docket Number	07579-0001-00000														
Sheet	1	of	2												

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Restriction Requirement issued in U.S. Patent Application No. 08/338,567 on April 30, 1996 (Attorney Docket No. 07579-0002-00000)	
		Traversal and Request for Reconsideration filed in U.S. Patent Application No. 08/338,567 on May 31, 1996 (Attorney Docket No. 07579-0002-00000)	
		Office Action issued in U.S. Patent Application No. 08/338,567 on September 10, 1996 (Attorney Docket No. 07579-0002-00000)	
		Amendment filed in U.S. Patent Application No. 08/338,567 on February 28, 1997 (Attorney Docket No. 07579-0002-00000)	
		Second Supplemental Response filed in U.S. Patent Application No. 08/338,567 on March 12, 1997 (Attorney Docket No. 07579-0002-00000)	
		Preliminary Amendment filed in U.S. Patent Application No. 08/910,837 on August 13, 1997 (Attorney Docket No. 07579-0005-00000)	
		Office Action issued in U.S. Patent Application No. 08/910,837 on April 2, 1998 (Attorney Docket No. 07579-0005-00000)	
		Amendment filed in U.S. Patent Application No. 08/910,837 on May 4, 1998 (Attorney Docket No. 07579-0005-00000)	
		Request for Interference filed U.S. Patent Application No. 08/910,837 on June 4, 1998 (Attorney Docket No. 07579-0005-00000)	
		Amendment and Supplemental Request for an Interference filed in U.S. Patent Application No. 08/910,837 on May 18, 1999 (Attorney Docket No. 07579-0005-00000)	
		Supplemental Amendment and Supplemental IDS filed in U.S. Patent Application No. 08/910,837 on September 24, 1999 (Attorney Docket No. 07579-0005-00000)	
		Preliminary Motion filed in Interference No. 104,576 on December 19, 2000 (Attorney Docket No. 07579-0005-00000)	
		Proposed Amendment filed in Interference No. 104,576 on December 19, 2000 (Attorney Docket No. 07579-0005-00000)	
		Transcript of oral argument heard in interference No. 104,576 on June 8, 2001 (Attorney Docket No. 07579-0005-00000)	
		Proposed Amendment filed in U.S. Patent Application No. 08/910,837 on June 8, 2001 (Attorney Docket No. 07579-0005-00000)	
		Order Redefining Interference issued in U.S. Patent Application No. 08/910,837 on June 20, 2001 (Attorney Docket No. 07579-0005-00000)	
		Amendment filed in U.S. Patent Application No. 08/910,837 on April 4, 2002 (Attorney Docket No. 07579-0005-00000)	
		Preliminary Amendment in U.S. Patent Application No. 09/547,100 on April 11, 2000 (Attorney Docket No. 07579-0005-01000)	
		Office Action issued in U.S. Patent Application No. 09/547,100 on September 13, 2000 (Attorney Docket No. 07579-0005-01000)	
		Amendment filed in U.S. Patent Application No. 09/547,100 on February 27, 2001 (Attorney Docket No. 07579-0005-01000)	
		Office Action issued in U.S. Patent Application No. 09/547,100 on May 22, 2001 (Attorney Docket No. 07579-0005-01000)	
		Response filed in U.S. Patent Application No. 09/547,100 on November 20, 2001 (Attorney Docket No. 07579-0005-01000)	

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		<i>Reissue Application No.</i>	09/602,191
		<i>Filing Date</i>	June 22, 2000
		<i>First Named Inventor</i>	KELLY
		<i>Art Unit</i>	1623
		<i>Examiner Name</i>	Patrick T. Lewis
<i>Attorney Docket Number</i>	07579-0001-00000		
Sheet	2	of	2

NON PATENT LITERATURE DOCUMENTS			
		Office Action issued in U.S. Patent Application No. 09/547,100 on January 30, 2002 (Attorney Docket No. 07579-0005-01000)	
		Amendment After Final filed in U.S. Patent Application No. 09/547,100 on June 28, 2002 (Attorney Docket No. 07579-0005-01000)	
		Preliminary Amendment filed in U.S. Patent Application No. 09/421,069 on October 19, 1999 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on April 17, 2000 (Attorney Docket No. 07579-0005-02000)	
		Response and Amendment filed in U.S. Patent Application No. 09/421,069 on October 13, 2000 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on January 16, 2001 (Attorney Docket No. 07579-0005-02000)	
		Response filed in U.S. Patent Application No. 09/421,069 on May 15, 2001 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on July 31, 2001 (Attorney Docket No. 07579-0005-02000)	
		Amendment filed in U.S. Patent Application No. 09/421,069 on August 22, 2001 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on November 06, 2001 (Attorney Docket No. 07579-0005-02000)	
		Amendment filed in U.S. Patent Application No. 09/421,069 on February 6, 2002 (Attorney Docket No. 07579-0005-02000)	
		Office Action issued in U.S. Patent Application No. 09/421,069 on October 22, 2002 (Attorney Docket No. 07579-0005-02000)	
		Amendment filed in U.S. Patent Application No. 09/421,069 on January 22, 2003 (Attorney Docket No. 07579-0005-02000)	
		Supplemental Amendment filed in U.S. Patent Application No. 09/421,069 on July 1, 2003 (Attorney Docket No. 07579-0005-02000)	
		Preliminary Amendment filed in U.S. Patent Application No. 10/274,371 on October 18, 2002 (Attorney Docket No. 07579-0005-03000)	
		Office Action issued in U.S. Patent Application No. 10/274,371 on May 17, 2004 (Attorney Docket No. 07579-0005-03000)	
		Amendment and Response filed in U.S. Patent Application No. 10/274,371 on October 15, 2004 (Attorney Docket No. 07579-0005-03000)	
		Office Action issued in U.S. Patent Application No. 10/274,371 on January 12, 2005 (Attorney Docket No. 07579-0005-03000)	
		Preliminary Amendment filed in U.S. Patent Application No. 10/611,087 on July 2, 2003 (Attorney Docket No. 07579-0005-04000)	
		Office Action issued in U.S. Patent Application No. 10/611,087 on September 24, 2004 (Attorney Docket No. 07579-0005-04000)	
		Preliminary Amendment filed in U.S. Patent Application No. 10/611,151 on July 02, 2003 (Attorney Docket No. 07579-0005-05000)	
		Office Action issued in U.S. Patent Application No. 10/611,151 on July 14, 2004 (Attorney Docket No. 07579-0005-05000)	
		Amendment and Response filed in U.S. Patent Application No. 10/611,151 on December 14, 2004 (Attorney Docket No. 07579-0005-05000)	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EV-JBF-RWM



PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Graham Edmund KELLY

Serial No.: 09/602,191

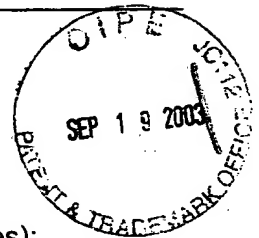
Group Art Unit: 1623

Filed: June 22, 2000

Examiner: Patrick T. Lewis

For: HEALTH SUPPLEMENTS CONTAINING PHYTO-OESTROGENS, ANALOGUES OR METABOLITES THEREOF

1. Response After Final (7 pages);
2. Notice of Appeal (2 pages);
3. Petition for Three Month Extension of Time (1 page);
4. Notice Regarding Related Litigation (2 pages);
5. Copy of Complaint with Exhibits A and B (34 pages total);
6. Copy of court docket as of September 5, 2003 (7 pages);
7. Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(d) (3 pages);
8. Form PTO 1449 (1 page);
9. Copies of fifteen (15) documents; and
10. Check No. 10932 for \$1,250.00 for the extension and appeal fees.



Dated: September 19, 2003
Docket No.: 7579.0001

VIA EXPRESS MAIL
LABEL EV 352475040 US

JBK/RWM/smb

(Due Date: September 19, 2003)

PLEASE RETURN TO REGIONAL DESK -- PAO

✓ AUREO
DE-12
10-1-0

EV 352475040 US

September 19, 2003

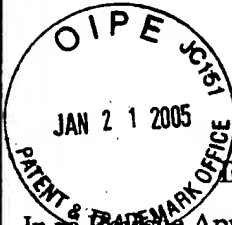
USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to MAIL STOP AF, Commissioner for Patents, Washington, D.C. 20231.

By: _____

Sarah M. Barnett



PATENT

Customer No. 22,852

Attorney Docket No. 7579.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re ~~Reissue~~ Application of:
Graham Edmund KELLY

Reissue Serial No.: 09/602,191

U.S. Patent No. 5,830,887

Filed: June 22, 2000

For: HEALTH SUPPLEMENTS CONTAINING
PHYTO-OESTROGENS, ANALOGUES
OR METABOLITES THEREOF

Group Art Unit: 1623

Examiner: Patrick T. Lewis

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56, Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the mailing date of a Final Action. Nonetheless, Applicant respectfully requests that the Examiner waive the rule and kindly consider this Information Disclosure Statement because of the Examiner's familiarity with this case and its related co-pending cases. If the Examiner declines to consider these references, Applicant respectfully requests that these papers be placed in the file pursuant to 37 C.F.R. § 1.97(i). Should the Examiner kindly consider this Information Disclosure Statement, Applicant authorizes the Office to deduct the fee of \$180.00 as specified by 37 C.F.R. § 1.17(p) from our Deposit Account No. 06-0916.

These documents are U.S. Patents and U.S. applications that are directly related to the pending application (as based on the same specification) or are possibly related by subject matter.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

To facilitate the Examiner's review of these documents and avoid the wasteful reproduction of specifications, Applicant submits only the claims issued or pending in cases based on the same specification (documents related to U.S. Patent No. 5,830,887). For documents that are not based on the same specification, e.g., U.S. Pat. No. 6,340,703 and application Serial Nos. 09/986,509; 09/254,026; 09/647,092; 09/914,035; and 10/070,361; Applicant provides the specification. Should the Examiner wish copies of any documents not provided here, please advise the undersigned at the number below.

U.S. Patent or Application Number	Examiner	Finnegan Henderson Docket Number
Documents related to U.S. Patent No. 5,830,887		
USSN 09/602,191 (Reissue of U.S. Patent 5,830,887) (this application)	Patrick T. Lewis	7579.0001-00
U.S. Pat. No. 6,562,380 B1 (USSN 08/910,837)	James O. Wilson	7579.0005-00
U.S. Pat. No. 6,497,906 B1 (USSN 09/547,100)	Patrick T. Lewis	7579.0005-01
USSN 09/421,069	Patrick T. Lewis	7579.0005-02
USSN 10/274,371	Patrick T. Lewis	7579.0005-03
USSN 10/611,087	Not Yet Assigned	7579.0005-04
USSN 10/611,151	Not Yet Assigned	7579.0005-05
Documents related to U.S. Patent No. 6,340,703		
U.S. Pat. No. 6,340,703 (USSN 09/077,590)	Edward J. Webman	7579.0006-00
USSN 09/986,509	Edward J. Webman	7579.0006-01
Therapeutic Methods and Compositions Involving Isoflavones		
USSN 09/254,026	Jennifer M. Kim	7579.0007-00
Therapy of Estrogen-Associated Disorders		
USSN 09/647,092	Patricia A. Patten	7579.0013-00
USSN 10/459,537	Not Yet Assigned	7579.0013-01
Cardiovascular and Bone Treatment Using Isoflavones		
USSN 09/914,035	Cybill Delacroix-Muirheid	7579.0015-00
USSN 10/600,004	Not Yet Assigned	7579.0015-01
Compositions and Therapeutic Methods Involving Isoflavones and Analogues Thereof		
USSN 10/070,361	Ebenezer O. Sackey	07579.0016-00

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

U.S. Patent or Application Number	Examiner	Finnegan Henderson Docket Number
Regulation of Lipids and/or Bone Density and Components Therefor		
USSN 10/250,858	Not Yet Assigned	07579.0018-00

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

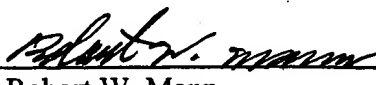
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

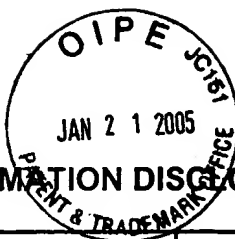
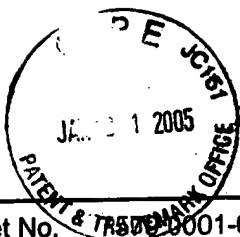
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 19, 2003

By: 
Robert W. Mann
Reg. No. 48,555

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	75579-0001-00	Appln. No.	09/602,191				
Applicant				Graham Edmund KELLY			
Filing Date				June 22, 2000			
Group:				1623			

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	USSN 09/254,026 (WO 98/08503)		Kelly et al.			08/29/1997
	USSN 09/421,069		Kelly			10/19/1999
	USSN 09/647,092 (WO 99/48496)		Kelly et al.			03/26/1999
	USSN 09/914,035 (WO 00/64438)		Kelly et al.			04/27/2000
	USSN 09/986,509		Kelly			11/09/2001
	USSN 10/070,361 (WO 01/17986)		Heaton et al.			09/06/2000
	USSN 10/274,371		Kelly			10/21/2002
	USSN 10/459,537		Kelly et al.			06/12/2003
	USSN 10/600,004		Kelly et al.			06/18/2003
	USSN 10/611,087		Kelly			07/02/2003
	USSN 10/611,151		Kelly			07/02/2003
	USSN 10/250,858 (WO 02/055072)		Husband			07/09/2003
	6,340,703 B1	01/22/2002	Kelly			
	6,497,906 B1	12/24/2002	Kelly			
	6,562,380 B1	05/13/2003	Kelly			

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	
Patent and Trademark Office - U.S. Department of Commerce	

CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

EV 352475040 US

September 19, 2003

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to MAIL STOP AF, Commissioner for Patents, Washington, D.C. 20231.

By: 

Sarah M. Barnett



CEV/JBF/RWM

15

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Application of: Graham Edmund KELLY

Serial No.: 09/602,191

Group Art Unit: 1623

Filed: June 22, 2000

Examiner: Patrick T. Lewis

For: HEALTH SUPPLEMENTS CONTAINING PHYTO-OESTROGENS, ANALOGUES OR
METABOLITES THEREOF

1. Supplemental Information Disclosure Statement under 37 C.F.R. 1.97(d) with authorization to charge \$180 fee to deposit account (4 pages);
2. Form PTO 1449 (1 page); and
3. 13 references.

Dated: January 6, 2004

Docket No.: 7579.0001

RWM/smb/vw



PLEASE RETURN TO REGIONAL DESK -- PAO

dated 1/7/04

1-7-04
h

To facilitate the Examiner's review of these documents and avoid the wasteful reproduction of specifications, Applicant submits only the claims issued or pending in cases based on the same specification (namely, documents related to U.S. Patent No. 6,649,648 B1, i.e. U.S. Patent Applications Nos. 10/176,762; 10/177,387; 10/636,902; and documents related to U.S. Patent No. 6,146,668, i.e. U.S. Patent Application No. 09/546,565). For documents that are not based on the same specification, Applicant provides the specification. For U.S. Patent Application Nos. 09/889,701 and 10/181,549 Applicant provides both specifications as filed and sets of pending claims. Should the Examiner wish to see copies of any documents not provided here, please advise the undersigned at the number below.

U.S. Patent or Application Number	Attorney Docket Number	Title	Examiner
6,146,668	07579.0003-00000	Preparation of Isoflavones from Legumes	
09/546,565	07579.0003-01000	Isoflavone Compositions Produced by Improved Methods	Deborah K. Ware
10/176,762	07579.0007-01000	Therapeutic Methods and Compositions Involving Isoflavones	Jennifer M. Kim
10/177,387	07579.0007-02000	Therapeutic Methods and Compositions Involving Isoflavones	Jennifer M. Kim
10/636,902	07579.0007-03000	Therapeutic Methods and Compositions Involving Isoflavones	Jennifer M. Kim
6,004,558	07579.0008-00000	Methods for Treating Cancer with Legume Plant Extracts	
6,455,032 B1	07579.0012-00000	Composition and Method for Protecting Skin from UV Induced Immunosuppression and Skin Damage	

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

U.S. Patent or Application Number	Attorney Docket Number	Title	Examiner
10/212,847	07579.0012-01000	Composition and Method for Protecting Skin from UV Induced Immunosuppression and Skin Damage	Shelley Dodson
09/889,701	07579.0014-00000	Production of Isoflavone Derivatives	Golam M. Shameem
10/704,385	07579.0016-01000	Compositions and Therapeutic Methods Involving Isoflavones and Analogs Thereof	Not Yet Assigned
10/181,549	07579.0017-00000	Food Product and Process	Not Yet Assigned
10/469,957	07579.0019-00000	Dimeric Isoflavones	Not Yet Assigned
10/471,668	07579.0020-00000	Treatment of Restenosis	Not Yet Assigned

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

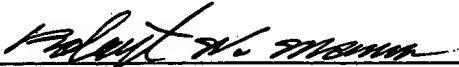
1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

If there is any fee due in connection with the filing of this Statement, please charge the fee to
our Deposit Account No. 06-0916.

Respectfully submitted,

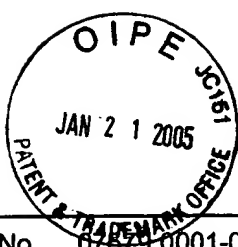
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 2, 2004

By: 
Robert W. Mann
Reg. No. 48,555

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07879-0001-00000	Appln. No.	09/602,191
Applicant	Graham Edmund KELLY		
Filing Date	June 22, 2000	Group:	1623

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,004,558	Dec. 21, 1999	THURN et al.			Feb. 25, 1998
	6,146,668	Nov. 14, 2000	KELLY et al.			Apr. 27, 1997
	6,455,032 B1	Sep. 24, 2002	KELLY et al.			Jun. 23, 2000
	09/546,565 (pending claims)		KELLY et al.			Apr. 11, 2000
	09/889,701 (WO 00/49009; pending claims)		HEATON et al.			Nov. 5, 2001
	10/176,762 (WO 98/08503; pending claims)		KELLY et al.			Jun. 21, 2002
	10/177,387 (pending claims)		KELLY et al.			Jun. 21, 2002
	10/181,549 (WO 01/53285; pending claims)		HUSBAND et al.			Nov. 7, 2002
	10/212,847 (WO 99/36050)		KELLY et al.			Aug. 5, 2002
	10/469,957 (WO 02/070502)		HUSBAND et al.			Sep. 8, 2003
	10/471,668 (WO 02/074307)		HUSBAND et al.			Sep. 15, 2003
	10/636,902 (pending claims)		KELLY et al.			Aug. 6, 2003
	10/704,385 (WO 01/17986)		HEATON et al.			Nov. 7, 2003

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.